

Tennessee Secretary of State

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MEMORANDUM

To: John Lynn, Assistant Deputy Chief, U. S. Probation and Parole Officer
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Middle Division

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Western Division

From: Mark Goins *Mark Goins*
Coordinator of Elections

Date: July 21, 2023

Subject: Restoration of Voting Rights

In a recent case, *Falls v. Goins*, No. M2020-01510-SC-R11-CV (Tenn. Jun. 29, 2023), the Tennessee Supreme Court held that to restore one's voting rights in Tennessee, a person convicted of an infamous crime in another state must comply with the provisions set forth in Tenn. Code Ann. § 2-19-143(3) and the additional requirements of Tenn. Code Ann. §§ 40-29-201 through 40-29-205 requiring a two-step process. Although the Court indicated that the holding in *Falls v. Goins* was limited to the facts before them, the statutory interpretation in the holding is applicable to other governing statutes and requires the same interpretation for those convicted of a felony in both federal and Tennessee state courts because the statutory language that applies to in-state and federal felonies closely aligns with the statutory language at issue in *Falls v. Goins*.

Therefore, a person convicted of a felony in a Tennessee court, an out-of-state court, or a federal court must:

1. Have been pardoned by a Governor, U.S. President, or other appropriate authority of a state, or have had full rights of citizenship restored as required by law, and

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2. Have paid all restitution to the victim or victims of the offense ordered by the court as part of the sentence, if any; **and**
3. Have paid all court costs assessed, if any, unless the court made a finding of indigency at the time of application; **and**
4. Is current in all child support obligations, if any.

In light of this interpretation of the voter restoration statutes, your organization must stop using the existing Certificate of Restoration of Voting Rights (COR) – SS-3041 (Rev. 3/20) and begin using the COR included with this memo. Although there are detailed instructions on the back of the COR, when completing this form, the key directions for your team members are as follows:

1. The first box of the form must be completed by the individual wanting to have voting rights restored. This section of the form collects the applicant's name, identifying information, contact information, and whether the individual received a pardon or has had full rights of citizenship restored.
2. The second box requires an agent of your organization to provide information about the felony conviction, restitution, if any, and court costs, if any.

Specifically, in **BOX #2**, the proper authority/agent must provide the following information:

- a) Felony Conviction Information:
 - ☐ List the crime(s) for which the applicant was convicted. If the applicant has more than one felony, a separate COR must be used for each felony conviction.
 - ☐ The statute for the felony offense for which the applicant was convicted.
 - ☐ The month, date, and year of the applicant was convicted of the felony.
 - ☐ The applicant's TOMIS ID No., County of Conviction, and the Case Number of the felony conviction.
- b) Restitution:
 - ☐ Check the appropriate box as it relates to any restitution that was or was not assessed to the applicant.
 - ☐ Sign and print the agent's name and provide the agent's contact information.
- c) Court Costs:
 - ☐ Check the appropriate box as it relates to any court costs that were or were not assessed to the applicant.
 - ☐ Sign and print the agent's name and provide the agent's contact information.

In order to complete the COR, an applicant must have had the person's full rights of citizenship restored or have received a pardon. Please have the members of your organization distribute a blank COR form with instructions on how to regain voting rights to each person discharged from your custody or supervision. Also, it is imperative that they have the applicant complete the applicant's name, identifying information, and contact information if the applicant has a pardon or court order.

This information is provided to you under my statutory duty in Tenn. Code Ann. § 40-29-205. According to Tenn. Code Ann. § 40-29-205, I must “prepare a certificate of voting rights restoration form and the written statement explaining the form and the procedure by which a person can apply for a voter registration card and become eligible to vote....”

If you have any questions about this revised process, do not hesitate to contact my office.

Thank you for your diligence and assistance in restoring the voting rights of eligible individuals previously convicted of a felony.